

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jimmy McField,

Civ. No. 22-1362 (JWB/DJF)

Petitioner,

v.

Warden Eischen,

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Respondent.

United States Magistrate Judge Dulce J. Foster issued a Report and Recommendation (“R&R”) on January 5, 2024. (Doc. No. 13.) No objections have been filed to that R&R in the time permitted. In the absence of timely objections, the R&R is reviewed for clear error. *See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Upon review of the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The January 5, 2024 Report and Recommendation (Doc. No. 13) is **ACCEPTED** as modified to remove language recommending dismissal without prejudice;¹ and
2. Petitioner Jimmy McField’s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. No. 1) is DENIED with prejudice.

¹ Denial of the Petition on its merits operates as a final judgment, and therefore, this matter is denied with prejudice. .

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 22, 2024

s/ Jerry W. Blackwell

JERRY W. BLACKWELL

United States District Judge